

AO 106 (Rev. 04/10) Application for a Search Warrant

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## UNITED STATES DISTRICT COURT

DEC 08 2017

for the  
Northern District of CaliforniaAT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
In the Matter of the Search ofBY (Briefly describe the property to be searched  
or identify the person by name and address)Two Facebook accounts with user ID numbers  
100017014362261 and 100022047825313, as further  
described in Attachment A.

Case No.

MJ17-511

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

Two Facebook accounts with user ID numbers 100017014362261 and 100022047825313, as further described in Attachment A.

located in the Northern District of California, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B for list of items to be seized.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

*Code Section*  
 See attachment C for list of  
 violations.

*Offense Description*

The application is based on these facts:

See affidavit of Armando Mendoza.

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Applicant's signature*

DEA Task Force Officer Armando Mendoza

*Printed name and title*

Sworn to before me and signed in my presence.

Date: Dec 8, 2017

City and state: Seattle, Washington

*Judge's signature*

United States Magistrate Judge Mary Alice Theiler

*Printed name and title*

**AFFIDAVIT OF ARMANDO MENDOZA**

STATE OF WASHINGTON )

) ss

COUNTY OF WHATCOM )

I, Armando Mendoza, being first duly sworn, hereby depose and state as follows:

**I. INTRODUCTION AND AGENT BACKGROUND**

1. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7). Specifically, I am a Border Patrol Agent serving as a Task Force Agent with the Drug Enforcement Administration ("DEA"), assigned to the Bellingham, Washington Resident Office. In that capacity, I investigate violations of the Controlled Substances Act (Title 21, United States Code, Section 801, et seq.). I have been employed as a Border Patrol Agent with the United States Border Patrol since July 2006. In my experience as a law enforcement officer, I have participated in numerous narcotics investigations, during the course of which I have participated in physical surveillance, undercover operations, and executions of search warrants.

2. I have completed the Basic Border Patrol Agent Training Academy as well as other training courses related to gangs and narcotics trafficking. I have participated in narcotics investigations at both the local and federal level, and I have participated in numerous federal search warrants. I also served as a canine handler/instructor with the United States Border Patrol. As a result, I have become familiar with methods of operation of drug traffickers and organizations. As a Task Force Agent with the DEA, I have the responsibility of working with other federal and state law enforcement officers in investigations of violations of federal and state controlled substance laws, including the investigation of crimes related to the distribution of cocaine, methylenedioxymethamphetamine (MDMA), methamphetamine, heroin, marijuana and other dangerous drugs.

3. I have participated in the debriefing of defendants, witnesses, and informants, during which time I have discussed with them their methods of drug smuggling, distribution,

1 packaging, trafficking, avoiding law enforcement, and laundering proceeds, among other  
 2 concerns related to drug trafficking. I have discussed and learned from other law enforcement  
 3 investigators in regards to these matters as well.

4 4. Based on my training, experience, and conversations with other experienced  
 5 narcotics investigators, I have gained experience in the techniques and methods used by drug  
 6 traffickers to distribute controlled substances, their use of cellular phones and other electronic  
 7 communication devices to facilitate their trafficking activity, and the methods used to conceal  
 8 and launder the proceeds of said activity. I have also been involved in multiple investigations  
 9 where drug traffickers utilized online applications, such as Facebook, to communicate with  
 10 each other and coordinate their drug trafficking activities.

## 11 II. PURPOSE OF THIS AFFIDAVIT

12 5. I make this affidavit in support of an application for a search warrant for  
 13 information associated with the following Facebook accounts/user IDs:

- 14 a. Dominique CRUZ, Facebook user ID 100017014362261  
 15 (<http://www.facebook.com/dominique.cruz.378>), which I believe is used  
 by Manuel CRUZ (hereafter Target Account 1); and
- 16 b. Dominique CRUZ, Facebook user ID 100022047825313  
 17 (<http://www.facebook.com/dominique.cruz.5220>), which I believe is  
 18 used by Manuel CRUZ (hereafter Target Account 2).

19 This information is stored at premises owned, maintained, controlled, or operated by  
 20 Facebook, a social networking company headquartered in Menlo Park, California. The  
 21 information to be searched is described in the following paragraphs and in Attachment A. This  
 22 affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a),  
 23 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government copies of  
 24 the information (including the content of communications) further described in Section I of  
 25 Attachment B. Upon receipt of the information described in Section I of Attachment B,  
 26 government-authorized persons will review that information to locate the items described in  
 27 Section II of Attachment B.  
 28

6. For the reasons stated in more detail below, I believe that the following offenses have been committed and are being committed by Manuel CRUZ (hereinafter, "CRUZ"), and others:

a. Distribution of, and possession with intent to distribute, controlled substances (heroin and methamphetamine), in violation of 21 U.S.C. § 841(a)(1);

b. Conspiracy to commit the foregoing offenses, in violation of 21 U.S.C. §§ 841 and 846;

c. Using a communication facility to facilitate the above listed offenses, in violation of 21 U.S.C. § 843(b);

d. Unlawful possession of a firearm by a prohibited person, in violation of 18 U.S.C. § 922(g), and

e. Possession of a firearm in furtherance of drug trafficking, in violation of 18 U.S.C. § 924(c).

I believe there is also probable cause to search the information described in Attachment A and Section I of Attachment B for evidence, instrumentalities, contraband or fruits of these crimes, as described in Section II of Attachment B.

7. The facts set forth in this Affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of establishing probable cause in support of the application for a search warrant, it does not set forth each and every fact that I or others have learned during the course of this investigation.

### III. THE INVESTIGATION

8. This request for a search warrant relates to an investigation into individuals distributing illegal drugs in Skagit County and elsewhere. The investigation is being

1 conducted by the Drug Enforcement Administration (DEA) Bellingham Resident Office and  
2 other state, local, and federal agencies.

3 **A. Summary of Investigation**

4 9. Starting in 2017, investigators with DEA Bellingham and the Federal Bureau of  
5 Investigation ("FBI"), began an investigation into a money laundering organization operating  
6 in Skagit and Snohomish Counties. Members of this organization were identified as Belinda  
7 CRUZ along with relatives participating in money laundering activities, to include her brother,  
8 Manuel CRUZ.

9 10. In 2017, investigators met with a confidential source who told investigators that  
10 he/she could purchase multiple ounce quantities of methamphetamine from Manuel CRUZ.  
11 At the direction of law enforcement, this source bought methamphetamine from Manuel  
12 CRUZ on two occasions described further below. In the course of this investigation, agents  
13 identified two Facebook accounts for Manuel CRUZ. Those accounts and the information  
14 related to their users are the subject of this search warrant request.

15 **B. Controlled Purchase of Methamphetamine on August 4, 2017**

16 11. On August 4, 2017, DEA Bellingham and the Whatcom Gang and Drug Task  
17 Force (WGDTF) conducted a controlled purchase from Manuel CRUZ at 1135 S 6<sup>th</sup> Street,  
18 Unit 2, Mount Vernon, Washington, using a DEA confidential source ("CS"). On August 3,  
19 2017, the CS went to Manuel CRUZ's residence at 1135 S 6<sup>th</sup> Street in Mount Vernon and  
20 arranged a purchase of ½ ounce of methamphetamine, ½ ounce of heroin, and ¼ ounce of  
21 cocaine.

22 12. The CS was signed up by DEA Bellingham in June 2017. The CS was  
23 cooperating for judicial consideration. The CS's criminal history includes a conviction for  
24 Reckless Endangerment in 2017 and convictions for the following crimes between 1997 and  
25 2013: Theft 3; Driving Under the Influence; Reckless Endangerment; Custodial Interference-  
26 2, Drive W/License Suspended or Revoked-3; Ignition Interlocks Violation; Driving while  
27 License Suspended or Revoked-3; and Liquor Violation. The CS conducted two controlled  
28 purchases from Manuel CRUZ as well as providing credible information that led law

1 enforcement to locate multiple DEA targets. Manuel CRUZ made threats to the CS due to a  
2 disagreement about the price of drugs the CS was purchasing during a controlled purchase.  
3 Agents determined they could no longer use the CS to conduct investigative operations with  
4 the CRUZ organization, and the CS was subsequently deactivated in November 2017.

5 13. Before the controlled buy on August 3, 2017, law enforcement searched the CS  
6 and the CS's vehicle with negative results for contraband, weapons, and currency. Law  
7 enforcement also provided the CS with \$1,000.00 pre-recorded buy money. Agents followed  
8 the CS to 1135 S 6<sup>th</sup> Street, Mount Vernon, Washington (the residence of Manuel CRUZ). At  
9 approximately 12:22 pm, the CS arrived and parked in front of the duplex and met with Manuel  
10 CRUZ outside by a chain-link fence that surrounds the residence. At approximately 1:25 pm,  
11 the CS and Manuel CRUZ left the residence. The CS stood outside while Manuel CRUZ  
12 walked south on S. 6<sup>th</sup> Street. Agents observed Manuel CRUZ walk toward a blue residence  
13 in the area of 1211 S 6<sup>th</sup> Street. Agents observed Manuel CRUZ walk between the blue house  
14 and the CS, who remained at Manuel CRUZ's residence, multiple times. At approximately  
15 1:44 pm, the CS departed Manuel CRUZ's residence and met with agents at a neutral location.  
16 The CS provided agents with approximately one ounce of crystal methamphetamine wrapped  
17 in a white plastic baggie. Agents searched the CS following the controlled purchase with  
18 negative results for contraband, weapons, and currency. Agents field tested the contents of the  
19 white plastic baggie with positive results for the characteristics of methamphetamine.

20 14. During a debrief, the CS stated that Manuel CRUZ told him/her that "this"  
21 (referring to the methamphetamine) was all they had and showed the CS approximately one  
22 ounce of crystal methamphetamine wrapped in a white plastic baggie. Manuel CRUZ wanted  
23 to charge the CS \$800 for the ounce, and the CS negotiated for a lower price. Manuel CRUZ  
24 then walked back to the blue residence taking the methamphetamine previously shown to the  
25 CS with him to negotiate with his supplier. Manuel CRUZ returned and agreed with the CS  
26 to sell one ounce of methamphetamine for \$590.



**C. Controlled Purchase of Methamphetamine on September 22, 2017**

15. On September 22, 2017, DEA Bellingham and the Skagit County Interlocal Drug Enforcement Unit (SCIDEU) conducted a controlled purchase from Manuel CRUZ at 1135 S 6<sup>th</sup> Street, Unit 2, Mount Vernon, Washington, using the CS. The CS made contact with Manuel CRUZ via telephone at 360-399-8450 and negotiated to purchase one ounce of methamphetamine for \$500. Manuel CRUZ agreed to meet the CS at a local grocery store near Manuel CRUZ's residence.

16. Agents searched the CS prior to the controlled purchase with negative results for contraband, weapons, and currency. Agents also provided the CS with \$400.00 pre-recorded buy money. At approximately 11:54 am, agents observed Manuel CRUZ exit his residence at 1135 S 6<sup>th</sup> Street in Mount Vernon, and walk to the nearby grocery store. Agents dropped the CS off near the grocery store where he/she met up with Manuel CRUZ. The CS and Manuel CRUZ both walked back towards CRUZ's residence on foot. Agents observed the CS and Manuel CRUZ go their separate ways before arriving at CRUZ's residence. At approximately 12:13 pm, Manuel CRUZ was observed going into his residence while the CS waited for him to return nearby. At approximately 12:51 pm, agents picked up the CS. The CS received a phone call from Manuel CRUZ and told the CS that someone would bring the drugs to him/her at the transit station. Agents directed the CS to wait for Manuel CRUZ at the transit station. Agents observed Manuel CRUZ leave his residence, walk to 1211 6<sup>th</sup> Street and then return to his residence. The CS made multiple attempts to call Manuel CRUZ, but received his voicemail in response to each call. The CS went back to CRUZ's residence in an attempt to contact him but did not see him there. The CS got ahold of Manuel CRUZ via Facebook Messenger under the name of "Dominique Cruz". Below are select messages exchanged by the CS and Manuel CRUZ on Facebook messenger:

CS: "Just give me the money I will come back later"

Break in message.

CRUZ: "They'll call me when they're in town."

CS: "I don't have time I have an appointment"

1 CRUZ: "No fucking way that shit I paid for already"

2 CS: "Come give the money"

3 CRUZ: "The\$ is spent. I already paid for the shit"

4 Break in message.

5 CS: "Bring me the money because I can't wait"

6 CRUZ: "Fuck no"

7 CRUZ: "You're shit is on the way, please don't call my phone number again"

8 CS: "Where is it"

9 CS: "I'm not coming to u anymore"

10 CS: "For anything and I need the tv"

11 CRUZ: "I told you that they would call me when they were in town"

12 CRUZ: "Okay"

13 CS: "Come bring me the money now"

14 Break in message.

15 CS: "Come on"

16 CS: "I will go to ur house and pick up the money"

17 CS: "Because I got to go"

18 CRUZ: "I don't have the fucking\$ I paid for the hale"

19 Break in message.

20 CRUZ: "You broke your word"

21 Break in message.

22 CRUZ: "I don't give a fuck"

23 CS: "What word"

24 CRUZ: "I'm coming to you in a couple of minutes, please be at the station"

25 CS: "I'm here"

26 CRUZ: "That you had the 550"

27 CS: "Well I had to borrow the money"

28 CS: "Come get the money"



1 Break in message.

2 CS: "And give me the stuff bring me a half for that"

3 CRUZ: "Dominique called you. 18 secs, 2:04 PM CALL BACK"

4 17. The Facebook message conversation above refers to the CS's inquiry about the  
5 methamphetamine he/she agreed to purchase from Manuel CRUZ. According to the CS,  
6 Manuel CRUZ referred to methamphetamine as "Hale" and "the shit" during the exchange of  
7 messages. The CS ultimately fronted the pre-recorded buy money to Manuel CRUZ and was  
8 messaging Manuel CRUZ in order to get his/her money back since it was taking too long for  
9 Manuel CRUZ to deliver the methamphetamine he had agreed to provide. At one point in the  
10 conversation, Manuel CRUZ messages the CS stating "You're shit is on the way.please don't  
11 call my phone number again". Agents believe Manuel CRUZ is aware of law enforcement  
12 tactics such as wiretapping and instructed the CS to use other methods of communication such  
13 as social media messages to avoid detection by law enforcement. According to the CS, Manuel  
14 CRUZ told him/her that he saw cops in the area and felt like he was being watched. Manuel  
15 CRUZ instructed the CS to wait for two individuals at the Skagit transit station to deliver the  
16 drugs. The CS stated Manuel CRUZ sent him/her there in order to make sure the CS wasn't  
17 being followed by and/or working with police.

18 18. The CS informed agents that, on September 22, 2017, at approximately 2:30 pm,  
19 Manuel CRUZ called the CS and instructed the CS to go to Manuel CRUZ's residence to pick  
20 up the methamphetamine. The CS further explained that he/she walked to Manuel CRUZ's  
21 residence at the direction of agents. The CS stated that upon his/her arrival at the residence,  
22 Manuel CRUZ met the CS at the stairwell of the residence. The CS stated that Manuel CRUZ  
23 pointed to a bag of methamphetamine sitting on the stairwell and told the CS that his/her stuff  
24 was there. The CS picked up the methamphetamine from the stairwell. At approximately 2:50  
25 pm, agents observed the CS depart Manuel CRUZ's residence and met with agents at a neutral  
26 location. The CS provided agents with approximately 1/2 ounce of crystal methamphetamine  
27 wrapped in a clear plastic baggie. Agents searched the CS following the controlled purchase  
28

1 with negative results for contraband, weapons, and currency. Lab results indicate the contents  
2 of the clear plastic baggie tested positive for the characteristics of methamphetamine.

3 **D. Information Regarding Manuel CRUZ' Facebook Accounts**

4 19. The CS showed agents which Facebook account Manuel CRUZ was using to  
5 communicate with the CS. The Facebook account identified by the CS as belonging to Manuel  
6 CRUZ corresponds with the following user ID and URL: Facebook user ID 100022047825313  
7 (<http://www.facebook.com/dominique.cruz.5220>). Investigators further believe this account is  
8 used by Manuel CRUZ due to the exchange of Facebook messages with the CS on September  
9 22, 2017, during the controlled purchase of methamphetamine, which is described above.  
10 Additionally, publicly available photos on the profile corresponding with this Facebook  
11 information show numerous photos of Manuel CRUZ. Following the controlled purchase of  
12 methamphetamine on September 22, 2017, the CS told investigators that Manuel CRUZ  
13 communicated with him/her via Facebook messages. The CS stated that Manuel CRUZ sent  
14 him/her Facebook messages inquiring about the purchase of methamphetamine.

15 20. Agents found another Facebook account under the name Dominique Cruz  
16 through a Facebook search under the name Dominique Cruz. The search results showed  
17 numerous pictures and videos of Manuel CRUZ publicly viewable in connection with Target  
18 Account 1, which had Facebook user ID 100017014362261  
19 (<http://www.facebook.com/dominique.cruz.378>). One profile picture specifically showed  
20 Manuel CRUZ holding a handgun and Manuel CRUZ commenting it was a "9mm highpoint".

21 21. A review of Manuel CRUZ's NCIC reveals multiple felony convictions to  
22 include Bail Jumping, Escape-2, Theft-1, and Robbery-1. The aforementioned photo showing  
23 Manuel CRUZ with the handgun, indicating he is unlawfully possessing a firearm as a  
24 prohibited person.

25 22. Investigators believe Manuel CRUZ's Facebook accounts may contain photos  
26 that were not public (only viewable by friends) that could help in identifying other members  
27 of Manuel CRUZ's drug trafficking organization and that contain evidence of the  
28

1 | aforementioned criminal activity. Both accounts believed to belong to Manuel CRUZ share  
2 | some of the same friends on Manuel CRUZ's friends list.

3 |       23. Based on my training and experience, I know that individuals involved in drug  
4 | trafficking commonly use social media sites, such as Facebook, to facilitate their activities by,  
5 | among other things, communicating with co-conspirators and others engaged in similar  
6 | activities and sharing related photographs and information. I know that individuals involved  
7 | in criminal activity such as drug trafficking often take and maintain photographs of narcotics,  
8 | paraphernalia, cash, and weapons, some of which they will post or electronically convey to  
9 | others. Additionally, I know individuals use multiple social media accounts in order to keep  
10 | their drug trafficking activities, friends lists, and communications separate from their non-drug  
11 | trafficking account in order to avoid detection by law enforcement. I also know that Facebook,  
12 | through its functions, described below, provides information regarding users' location data,  
13 | activities, and associations that may relate to criminal conduct.

14 |       24. Based on the facts detailed in this affidavit, to include the controlled purchase of  
15 | methamphetamine on September 22, 2017, investigators believe Manuel CRUZ uses Facebook  
16 | to facilitate his drug trafficking activities.

#### 17 |                   IV. FACEBOOK SOCIAL NETWORKING SERVICES

18 |       25. Facebook owns and operates a free-access social networking website of the same  
19 | name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish  
20 | accounts with Facebook, and users can then use their accounts to share written news,  
21 | photographs, videos, and other information with other Facebook users, and sometimes with  
22 | the general public.

23 |       26. Facebook asks users to provide basic contact and personal identifying  
24 | information to Facebook, either during the registration process or thereafter. This information  
25 | may include the user's full name, birth date, gender, contact e-mail addresses, Facebook  
26 | passwords, Facebook security questions and answers (for password retrieval), physical address  
27 | (including city, state, and zip code), telephone numbers, screen names, websites, and other  
28 | personal identifiers. Facebook also assigns a user identification number to each account.

1        27. Facebook users may join one or more groups or networks to connect and interact  
2 with other users who are members of the same group or network. Facebook assigns a group  
3 identification number to each group. A Facebook user can also connect directly with  
4 individual Facebook users by sending each user a "Friend Request." If the recipient of a  
5 "Friend Request" accepts the request, then the two users will become "Friends" for purposes  
6 of Facebook and can exchange communications or view information about each other. Each  
7 Facebook user's account includes a list of that user's "Friends" and a "News Feed," which  
8 highlights information about the user's "Friends," such as profile changes, upcoming events,  
9 and birthdays.

10        28. Facebook users can select different levels of privacy for the communications and  
11 information associated with their Facebook accounts. By adjusting these privacy settings, a  
12 Facebook user can make information available only to himself or herself, to particular  
13 Facebook users, or to anyone with access to the Internet, including people who are not  
14 Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the  
15 application of these privacy settings. Facebook accounts also include other account settings  
16 that users can adjust to control, for example, the types of notifications they receive from  
17 Facebook.

18        29. Facebook users can create profiles that include photographs, lists of personal  
19 interests, and other information. Facebook users can also post "status" updates about their  
20 whereabouts and actions, as well as links to videos, photographs, articles, and other items  
21 available elsewhere on the Internet. Facebook users can also post information about upcoming  
22 "events," such as social occasions, by listing the event's time, location, host, and guest list. In  
23 addition, Facebook users can "check in" to particular locations or add their geographic  
24 locations to their Facebook posts, thereby revealing their geographic locations at particular  
25 dates and times. A particular user's profile page also includes a "Wall," which is a space  
26 where the user and his or her "Friends" can post messages, attachments, photographs and links  
27 that will typically be visible to anyone who can view the user's profile (subject to the privacy  
28 settings selected by the account user).

1       30. Facebook has a Photos application, where users can upload an unlimited number  
2 of albums and photos. Another feature of the Photos application is the ability to “tag” (i.e.,  
3 label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he  
4 or she receives a notification of the tag and a link to see the photo or video. For Facebook’s  
5 purposes, the photos associated with a user’s account will include all photos uploaded by that  
6 user that have not been deleted, as well as all photos uploaded by any user that have that user  
7 tagged in them.

8       31. Facebook users can exchange private messages on Facebook with other users.  
9 These messages, which are similar to e-mail messages, are sent to the recipient’s “Inbox” on  
10 Facebook, which also stores copies of messages sent by the recipient, as well as other  
11 information. Facebook users can also post comments on the Facebook profiles of other users  
12 or on their own profiles; such comments are typically associated with a specific posting or  
13 item on the profile. In addition, Facebook has a Chat feature that allows users to send and  
14 receive instant messages through Facebook. These chat communications are stored in the chat  
15 history for the account. Facebook also has a Video Calling feature, and although Facebook  
16 does not record the calls themselves, it does keep records of the date of each call.

17       32. If a Facebook user does not want to interact with another user on Facebook, the  
18 first user can “block” the second user from seeing his or her account.

19       33. Facebook has a “like” feature that allows users to give positive feedback or  
20 connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as  
21 webpages or content on third-party (i.e., non-Facebook) websites. Facebook users can also  
22 become “fans” of particular Facebook pages.

23       34. Facebook has a search function that enables its users to search Facebook for  
24 keywords, usernames, or pages, among other things.

25       35. Each Facebook account has an activity log, which is a list of the user’s posts and  
26 other Facebook activities from the inception of the account to the present. The activity log  
27 includes stories and photos that the user has been tagged in, as well as connections made  
28 through the account, such as “liking” a Facebook page or adding someone as a friend. The



1 activity log is visible to the user but cannot be viewed by people who visit the user's Facebook  
2 page.

3 36. Facebook Notes is a blogging feature available to Facebook users, and it enables  
4 users to write and post notes or personal web logs ("blogs"), or to import their blogs from other  
5 services, such as Xanga, LiveJournal, and Blogger.

6 37. The Facebook Gifts feature allows users to send virtual "gifts" to their friends  
7 that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a  
8 personalized message can be attached to each gift. Facebook users can also send each other  
9 "pokes," which are free and simply result in a notification to the recipient that he or she has  
10 been "poked" by the sender.

11 38. Facebook also has a Marketplace feature, which allows users to post free  
12 classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

13 39. In addition to the applications described above, Facebook also provides its users  
14 with access to thousands of other applications on the Facebook platform. When a Facebook  
15 user accesses or uses one of these applications, an update about that the user's access or use  
16 of that application may appear on the user's profile page.

17 40. Facebook uses the term "Neoprint" to describe an expanded view of a given user  
18 profile. The "Neoprint" for a given user can include the following information from the user's  
19 profile: profile contact information; News Feed information; status updates; links to videos,  
20 photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends'  
21 Facebook user identification numbers; groups and networks of which the user is a member,  
22 including the groups' Facebook group identification numbers; future and past event postings;  
23 rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's  
24 access and use of Facebook applications.

25 41. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP  
26 address. These logs may contain information about the actions taken by the user ID or IP  
27 address on Facebook, including information about the type of action, the date and time of the  
28 action, and the user ID and IP address associated with the action. For example, if a user views



1 a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile,  
2 and would show when and from what IP address the user did so.

3 42. Social networking providers like Facebook typically retain additional  
4 information about their users' accounts, such as information about the length of service  
5 (including start date), the types of service utilized, and the means and source of any payments  
6 associated with the service (including any credit card or bank account number). In some cases,  
7 Facebook users may communicate directly with Facebook about issues relating to their  
8 accounts, such as technical problems, billing inquiries, or complaints from other users. Social  
9 networking providers like Facebook typically retain records about such communications,  
10 including records of contacts between the user and the provider's support services, as well as  
11 records of any actions taken by the provider or user as a result of the communications.

12 43. Therefore, the computers of Facebook are likely to contain all the material  
13 described above, including stored electronic communications and information concerning  
14 subscribers and their use of Facebook, such as account access information, transaction  
15 information, and other account information.

16 44. On November 15, 2017, a preservation letter was sent to Facebook, which asked  
17 Facebook to preserve the contents of the accounts identified above, under authority of Title  
18 18, United States Code, Section 2703(f)(1), for a period of 90 days.

19 **V. INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

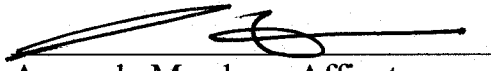
20 45. I anticipate executing this warrant under the Electronic Communications Privacy  
21 Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant  
22 to require Facebook to disclose to the government copies of the records and other information  
23 (including the content of communications) particularly described in Section I of Attachment  
24 B. Upon receipt of the information described in Section I of Attachment B, government-  
25 authorized persons will review that information to locate the items described in Section II of  
26 Attachment B.

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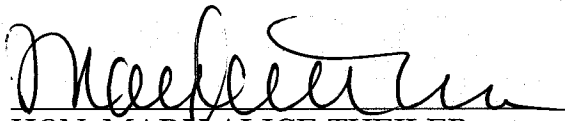
**CONCLUSION**

46. Based on the forgoing, I request that the Court issue the proposed search warrant. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711 and 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that—has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. Accordingly, by this Affidavit and Warrant, I seek authority for the government to search all of the items specified in Section I, Attachment B (attached hereto and incorporated by reference herein) to the Warrant, and specifically to seize all of the data, documents and records that are identified in Section II to that same Attachment.



Armando Mendoza, Affiant  
Task Force Agent  
Drug Enforcement Administration

SUBSCRIBED and SWORN to before me this 8th day of December, 2017.



HON. MARY ALICE THEILER  
United States Magistrate Judge

**ATTACHMENT A**

**Accounts to Be Searched**

This warrant applies to information associated with the following Facebook accounts/user IDs that are stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California:

- a. Dominique CRUZ, Facebook user ID 100017014362261 (<http://www.facebook.com/dominique.cruz.378>), which I believe is used by Manuel CRUZ; and
- b. Dominique CRUZ, Facebook user ID 100022047825313 (<http://www.facebook.com/dominique.cruz.5220>), which I believe is used by Manuel CRUZ.

## ATTACHMENT B

### I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each account/user ID listed in Attachment A:

a. All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.

b. All activity logs for the account and all other documents showing the user's posts and other Facebook activities;

c. All photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;

d. All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

e. All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;

f. All "check ins" and other location information;

g. All IP logs, including all records of the IP addresses that logged into the account;

h. All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";

i. All information about the Facebook pages that the account is or was a "fan" of;

- j. All past and present lists of friends created by the account;
- k. All records of Facebook searches performed by the account;
- l. All information about the user's access and use of Facebook Marketplace;
- m. The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);
- n. All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- o. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 21 U.S.C. § 841(a)(1) (Distribution of, and possession with intent to distribute, controlled substances), 21 U.S.C. § 846 (Conspiracy to commit the foregoing offenses); 21 U.S.C. § 843(b) (Using a communication facility to facilitate the above listed offenses), 18 U.S.C. § 922(g) (unlawful possession of a firearm by a prohibited person), and 18 U.S.C. § 924(c) (possession of a firearm in furtherance of drug trafficking), involving Manuel CRUZ since January 1, 2016, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- a. All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers;
- b. Any and all Wall Posts, Timeline Posts, private messages, status updates, chat history, "friend requests," or other information, whether posted by the user ID or by other persons, relating to illegal drugs, firearms, or other weapons, or otherwise the commission of the offenses listed above;

1 c. Any and all photographs, videos, and recordings, whether or not posted  
2 by the user ID or by other persons, relating to illegal drugs, firearms, or other weapons, or  
3 otherwise the commission of the offenses listed above;

4 d. All profile photographs for the user ID;

5 e. Records relating to any and all "likes" by the user ID relating to illegal  
6 drugs, firearms, or other weapons, or otherwise the commission of the offenses listed above;

7 f. Records regarding any and all "check ins" and other location information  
8 relating to illegal drugs, firearms or other weapons, or otherwise the commission of the  
9 offenses listed above;

10 g. Records identifying "friends" of and "friend requests" sent or received by  
11 the user ID;

12 h. Records relating to any and all requests or attempts to deactivate  
13 Facebook accounts for the user ID; and,

14 i. Records relating to who created, used, or communicated with the user ID,  
15 including records about their identities and whereabouts.  
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**ATTACHMENT C**

**This search is related to a violation of:**

- a. Distribution of, and possession with intent to distribute, controlled substances (heroin and methamphetamine), in violation of 21 U.S.C. § 841(a)(1);
- b. Conspiracy to commit the foregoing offenses, in violation of 21 U.S.C. §§ 841 and 846;
- c. Using a communication facility to facilitate the above listed offenses, in violation of 21 U.S.C. § 843(b);
- d. Unlawful possession of a firearm by a prohibited person, in violation of 18 U.S.C. § 922(g), and
- e. Possession of a firearm in furtherance of drug trafficking, in violation of 18 U.S.C. § 924(c).